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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,058	11/26/2003	Michael Roberts	NECW 20.768	8639

26304 7590 05/09/2008

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EXAMINER	
FIGUEROA, MARISOL	
ART UNIT	PAPER NUMBER
2617	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Continuation of 11. does Not place the application in condition for allowance because:

Applicant's arguments filed on 4/9/2008 have been fully considered but are not persuasive.

The Applicant argues that the claims 1, 5, and 8 require a very specific order of operations that could not simply be arrived at by the combination of relied upon portions of the cited references (page 2-page 3, lines 1-5 of Applicant's arguments); the examiner respectfully disagrees.

The Applicant has not shown evidence why the specific order of steps is uniquely challenging to one of ordinary skill in the art and why this or other combination of references would not result in the claimed invention. Also each and every limitation is taught by the combination of references, see previous office action.

In addition, the Applicant argues that the examiner has not provided sufficient explicit analysis as to whether there was an apparent reason to combine the references as suggested because such explicit analysis should include a detailed statement outlining the "effects of demands known to the design community or present in the marketplace" and "the background knowledge possessed by a person having ordinary skill in the art" (page 3, lines 6-15 of Applicant's arguments); the examiner respectfully disagrees.

As shown in the previous office action the reasons for combining Laitinen, Kallin, and Dahlin are explicitly stated. See obvious statements provided for combining the references with respect to Dahlin on page 6, lines 6-11 and with respect to Kallin in page 7, line 1-10 of the previous office action.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617